

## EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

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CORALATIONS, ET AL,	)	
	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil No. 12-1281 (SEC)
	)	
NATIONAL MARINE FISHERIES SERVICE,	)	
ET AL,	)	
	)	
Defendants.	)	
	)	

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**DECLARATION OF MARY ANN LUCKING**

I, Mary Ann Lucking, declare as follows:

1. I am the Director of CORALations, an award-winning environmental and coral reef conservation organization based on the Island of Culebra, Puerto Rico. The organization was founded in San Juan, Puerto Rico in 1995, and is a registered 501(c)(3) non-profit corporation.
2. CORALations maintains an annual membership base of 500 people, including board members from Culebra's Fishermen's Association who proposed the first no-take marine protected area designated in the waters of Puerto Rico.
3. The mission of CORALations is To Conserve, Nurture and Educate. In the interest of conservation, CORALations comments on the sustainability of proposed development projects, management plans, and permit requests that could affect coastal ecosystems.

4. CORALations works to implement and enforce stricter clean water standards to protect coastal waters and public health, and to safeguard future uses of natural resources. In 2003, CORALations obtained a federal court ruling forcing the Commonwealth of Puerto Rico to upgrade coastal water quality standards and to implement an anti-degradation policy for all Puerto Rico waters. CORALations has had successes in local courts combatting unsustainable development projects that adversely impact local waters. For the past decade CORALations has worked with some success to persuade federal agencies to provide support for restoration of Culebra watersheds and to minimize runoff and erosion that adversely affects both the land and the ocean.
5. Since its inception, CORALations has been closely involved with direct efforts to protect corals and coral reefs in the waters of Puerto Rico. For example, CORALations joined an effort led by the Culebra Fishermen's Association in 1996 and worked actively to create a marine protected area adjacent to the island of Culebra where no fishing would be allowed. This marine protected area was officially designated as the Luis Peña Channel Natural Reserve (Reserva Natural Canal de Luis Peña) in 1999. This protected area is located along the southwest shore of Culebra, between the Island and Luis Peña Key (Cayo Luis Peña). See . <http://www.coralations.org/MPA/index.htm>. The purpose of establishing this Reserve was to protect the coral reef system and the fish, turtles, and other key animals in the ocean ecosystem near Culebra, and to enhance fishing in areas adjacent to that protected area.
6. Since becoming a distributor of Reef Ball<sub>TM</sub> prefabricated artificial reef modules in 1997, CORALations has been working directly on transplanting and restoring corals.
7. CORALations' direct conservation work targeting the preservation of threatened corals of the kind that are the specific focus of this case includes partnering on the first successful

staghorn coral (*Acropora cervicornis*) farming and transplantation project in U.S. Caribbean waters. This staghorn corals rescue and recovery project was started by CORALations, the University of Puerto Rico, and the Culebra Fishermen's Association, in 2003 around the Island of Culebra. As part of this project, CORALations has been closely involved in the effort to transplant and grow staghorn coral for nearly 10 years. We currently work with approximately 30 volunteers each year as part of this effort to protect and restore staghorn corals.

8. Our work on the farm transplanting and growing staghorn corals uses low-tech, ecosystem based, low-cost techniques that mimic healthy coral reef ecosystems. The farms employ ecological functions found in nature to aid in the long-term maintenance of the corals. The farms are designed to take into consideration such factors as elevation, relief, and proximity to reefs to attract and aggregate herbivorous fish to help maintain the corals.
9. Thus, we design and construct the farm in a way that helps ensure that herbivorous fish which graze on algae (such as parrotfish) will maintain and protect the corals. Our work on this project has ensured that we understand the important role played by herbivorous fish in grazing on algae and thereby protecting corals. This project is fostering local job creation in areas of research and eco-tourism both inside and outside of the Reserve.
10. In addition to its work on this farming and transplanting project involving staghorn corals, CORALations has helped stabilize elkhorn corals (*Acropora palmata*) at the request of the Puerto Rico Department of Natural Resources for emergency restoration associated with vessel groundings.
11. CORALations conducts extensive educational outreach efforts with respect to coral reef conservation in Puerto Rico. Since 1996, CORALations has administered an Ocean

Explorers program for interested local youth in Puerto Rico. For the last five years, in collaboration with Culebra's Ecological School, the organization administers an Ocean Studies classroom, enabling no-cost educational excursions for Culebra students and local Culebra summer camp participants. As students qualify, they are provided an opportunity to become certified divers in exchange for work on the coral farming and transplanting project. This year, CORALations provided summer job opportunities for Culebra students in an academically prestigious National Science Foundation-funded fish health investigation. These students joined the team of researchers who this year discovered and documented the first new species identified in the Caribbean in over two decades, a coral-inhabiting crustacean.

12. CORALations is currently expanding the visiting scientist/visitor education program to increase the number of local marine science job and coral reef guide opportunities for local youth. This program brings visitors to the island that benefit the local tourism economy while engaging in activities to protect and restore the coastal ecology of Culebra.
13. As part of our wide range of efforts over the years to protect coral reefs, I and the other members of CORALations have viewed, studied, and enjoyed elkhorn and staghorn corals and their habitat on numerous occasions, and intend to do so again in the future. We are concerned over the degraded status of the coral reef system in Puerto Rico, including in particular the dwindling amount of habitat available for growth and recruitment of elkhorn and staghorn corals.
14. Unless the Defendants are required to comply with the Endangered Species Act ("ESA") and to better protect those corals, I and other members of CORALations will continue to suffer harm to our interests in coral reef protection and restoration.

15. I and the other members of CORALations derive educational, economic, scientific, recreational, health, conservation, spiritual, and aesthetic benefits from threatened elkhorn and staghorn corals and their critical habitat, as well as from key species that rely upon these corals and on healthy reef ecosystems, including hawksbill and other sea turtles, and reef fish such as parrotfish. To preserve these interests, Plaintiffs rely on NMFS to comply fully with the provisions of the ESA that both protect elkhorn and staghorn corals and promote their recovery.
16. I and the other members of CORALations are adversely affected by NMFS's failure to comply with the ESA and APA in its promulgation of the Biological Opinion issued on October 4, 2011 ("Continued Authorization of Reef Fish Fishing Managed under the Reef Fish Fishery Management Plan (FMP) of Puerto Rico and the U.S. Virgin Islands"). Because this Biological Opinion fails to comply with the law, it cannot be relied upon to ensure that the operation of the U.S. Caribbean Reef Fish Fishery is not likely to jeopardize the continued existence of elkhorn and staghorn corals or destroy or adversely modify their critical habitat.
17. My interests and the interests of the other members of CORALations in threatened corals, coral habitat, coral reef health and species such as sea turtles and parrotfish that are vital for healthy coral reefs are being adversely affected by NMFS's violations of the ESA and APA. These violations include the issuance by NMFS of the October 4, 2011 Biological Opinion that fails to analyze adequately the effects of removing parrotfish from the coral reefs adjacent to Puerto Rico. Unless this Court declares that Biological Opinion unlawful and orders NMFS to prepare a new Biological Opinion that fully complies with the ESA, my

interests and the interests of the other members of CORALations will continue to be injured by the loss of threatened elkhorn and staghorn coral.

Pursuant to the provisions of 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 14th day of September, 2012.



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MARY ANN LUCKING  
Director, CORALations